

## REMARKS/ARGUMENTS

The arguments and amendments presented herein include the arguments and amendments Applicants discussed with the Examiner during phone interview dated June 22, 2010. The Examiner requested Applicants to submit the discussed arguments and amendments for reconsideration, which Applicants present herein. Applicants submit that the arguments and amendments presented herein make the substance of the phone interview of record to comply with 37 CFR 1.133. If the Examiner believes that further information on the interview needs to be made of record to comply with the requirements, Applicants request the Examiner to identify such further information.

Applicants submit that any amendment to the claims herein does not comprise acquiescence or admission that any canceled, amended or supplemented subject matter that existed prior to the amendments herein is not patentable. Applicants reserve the right to pursue claimed subject matter as presented prior to the amendments herein during subsequent prosecution of the present application and in any continuation or related applications.

Claims 40, 52, and 60 are canceled.

1. Amended Claims 1, 16, 17, 45-47, 49, 50, 53-55, 57, 58, 61-68 are Patentable Over the Cited Art

The Examiner rejected claims 1, 16, 17, 40, 45-47, 49, 50, 52-55, 57, 58, and 60-62 as obvious (35 U.S.C. §103) over Remer (U.S. Patent App. Pub. No. 2003/0088516) and Aburri (U.S. Patent No. 7,203,966), and rejected claims 40, 52, and 60, added to the base claims, and claims 63-68 further in view of Kazuo (Machine Translation of JP App. No. 10215242) Applicants traverse.

Amended claims 1, 47, and 55 recite providing of content data at a client, comprising: transmitting a selection of content data to a server; receiving, from the server, a file comprising license information and a locator for the content data, wherein the license information indicates a license status enabling the client to access the content data, wherein the license status indicates available content usage, wherein the available content usage indicates an amount of the content available to the client according to a scope of a license; receiving selection of the content data; determining whether the available content usage in the license status indicates that access to the content data is permitted; providing access to the content data in response to determining that

the available content usage permits access; decrementing the available content usage included in the file sent to the client, by an amount of actual client usage of the content data at the client in response to providing access to the content data; permitting access to the content data in response to determining that the available content usage in the license status indicates that the license has expired; tracking content usage in response to determining that the available content usage indicates that the license has expired and permitting access to the content data after the license has expired; synchronizing with the server to transmit the tracked amount of usage of the content data at the client after the license status is expired at the client; and providing payment for the amount of usage of the content data after the license status is expired.

Applicants amend the base claims 1, 47, and 55 to include the requirements of dependent claims 40, 52, and 60, respectively. Applicants request that the Examiner enter this amendment because it incorporates dependent claims into base claims to place the application in condition for allowance or better condition for appeal. During the phone interview, the Examiner said he would enter such an amendment and consider the patentability of the amended claims with respect to the newly cited Kazuo reference.

The Examiner cited para. 54 of Kazuo as teaching the requirements of claims 40, 52, and 60 added to the base claims. (FOA3, pgs. 8-9) Applicants traverse.

The cited para. 54 discusses a content provider encrypting contents from a ticket issue center. The content provider encrypts a key in the content. A user demands issue of an access ticket, and the center 30 publishes an access ticket for the user. The user uses content using the access ticket. Information about utilization conditions, such as utilization charge, payment method, expiration date is given to an access ticket. A user's use of the contents will record the history on the token. The user sends the utilization history to the center 30 and the center is charged based on the utilization history. A fee is calculated based on collected history and charged to the user's account, and then distributed to the content provider.

Although the cited para. 54 discusses charging a user based on content utilization, there is no teaching of the claim requirement of permitting access to the content data in response to determining that the available content usage in the license status indicates that the license has expired and then tracking post-expiration content usage. Instead, the cited para. 54 discusses how a user's utilization is tracked and charged. This discussion of tracking user utilization of content for charging purposes does not teach the claim requirement of keeping track of an

amount of client usage of the content data at the client after the license status is expired when there is no more available content usage. The Examiner has not shown where Kazuo teaches permitting access and tracking content after the license has expired.

Further, the cited Kazuo does not teach the claim requirement of providing payment for an amount of usage after the license has expired. The Examiner has not cited any part of Kazuo that teaches or suggests permitting, tracking and charging for content usage that occurs after determining that the available content usage in the license states indicates that the license has expired. Instead, the cited Kazuo discusses charging for utilization based on user use.

Accordingly, amended claims 1, 47, and 55 are patentable over the cited art because the cited combination of Remer, Aburri and Kazuo fail to teach or suggest all the claim requirements.

Claims 16, 17, 45, 46, 49, 50, 53, 54, 55, 57, 58 and , 61-68 are patentable over the cited art because they depend from one of claims 1, 47, and 55, which are patentable over the cited art for the reasons discussed above, and because the additional requirements of these claims in combination with the base and any intervening claims provide further grounds of patentability over the cited art.

Applicants amend claims 63-68 to depend from one of base claims 1, 47, and 55 and not the canceled claims.

Amended claims 63, 65, and 67 depend from claims 40, 52, and 60, respectively, and further require that access to the content data in response to determining that the available content usage in the license status indicates that the license has expired is permitted in response to the client not being able to connect to the server, and wherein the synchronization occurs when the client is able to reconnect to the server.

The Examiner cited the above discussed para. 54 of Kazuo as teaching the additional requirements of these claims. (FOA3, pg. 9) Applicants traverse.

The cited para. 54 discusses tracking a user, who is provided a ticket to access content, utilization of the content to provide to a center to charge the user. Nowhere does this cited para. 54 teach or suggest permitting access to content after the license status indicates the license has expired when the client cannot connect to the server, and where synchronization occurs when the client reconnects. The Examiner has not cited any part of para. 54 of Kazuo that teaches permitting continued access to content after the license is indicated as expired when the user

cannot connect to the server, which would allow the server to renew the license. Instead, the cited para. 54 discusses tracking user usage to submit to a center that will then calculate a fee based on such usage.

Accordingly, claims 63, 65, and 67 provide additional grounds of patentability over the cited combination because the cited combination of references do not teach or suggest the additional requirements of these claims.

Amended claims 64, 66, and 68 depend from claims 40, 52, and 60, respectively, and further require determining whether the file permits the user to continue to use the content data after the license has expired, wherein the operations of permitting access to the content data in response to determining that the license has expired and tracking content usage is performed in response to determining that the file permits the user to continue to use the content data after the license has expired.

The Examiner cited para. 54 of Kazuo as teaching the additional requirements of these claims. (FOA, 3, pg. 9) Applicants traverse.

As discussed, the cited para. 54 discusses tracking a user, provided a ticket to access content, utilization of content to provide to a center to charge the user. Nowhere does this cited para. 54 teach or suggest determining whether the license file at the client permits the user to continue to use content after the license has expired. The Examiner has not cited any part of para. 54 of Kazuo that teaches determining whether the license file permits continued usage after the license has expired. Instead, the cited para. 54 discusses tracking user usage to submit to a center that will then calculate a fee based on such usage.

Accordingly, claims 64, 66, and 68 provide additional grounds of patentability over the cited combination because the cited combination of references do not teach or suggest the additional requirements of these claims.

#### Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 16, 17, 45-47, 49, 50, 53-55, 57, 58, and 61-68 are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: July 15, 2010

By:       /David Victor/      

David W. Victor  
Registration No. 39,867

Please direct all correspondences to:

David W. Victor  
Konrad Raynes & Victor, LLP  
315 South Beverly Drive, Ste. 210  
Beverly Hills, CA 90212  
Tel: (310) 553-7977  
Fax: 310-556-7984